

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA, et al.,)
Plaintiffs,)
v.) Civil Case No. 1:25-cv-02029-TTC
CHIEF JUDGE GEORGE L. RUSSELL, III,)
in his official capacity, et al.,)
Defendants.)

**UNOPPOSED MOTION FOR LEAVE TO FILE BRIEF OF
RETIRED FEDERAL JUDGES AS AMICI CURIAE
IN SUPPORT OF DEFENDANTS**

PETER J. KAHN (No. 00579)
LISA S. BLATT (D.C. Bar No. 429544) (*pro
hac vice pending*)
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1013418) (*pro hac vice pending*)
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UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS BRIEF

Pursuant to L.R. 105(12), a group of eleven retired federal judges from the U.S. District Court for the District of Maryland and other courts¹ respectfully moves for leave to file the attached amicus brief supporting Defendants. Movants have a strong interest in the outcome of this lawsuit because they dedicated a large portion of their careers to serving the American public as Article III judges. Although retired, movants continue to have an interest in ensuring that Article III courts can protect their jurisdiction and that coordinate branches respect the separation of powers.

Movants seek leave to file an amicus brief to offer their perspective as former judges on the government's challenge to the District of Maryland's standing order and to emphasize four points relevant to the disposition of this suit. First, the power of federal courts to issue short administrative stays to preserve their jurisdiction is well established. As amici can attest from their experience as former judges, these brief pauses are essential to allow courts to manage their overburdened dockets and to ensure that courts have time to render informed decisions on requests for emergency relief. Second, the District of Maryland's standing order—which merely imposes a brief, two-business-day stay on removing habeas petitioners from the continental United States or changing their legal status—fits well within this established authority and aligns with the orders of several courts of appeals. Third, the government's suit against the District of Maryland, all of its judges, and its clerk raises serious separation-of-powers concerns. If the suit proceeds, it not only would interfere with the powers of federal courts to preserve their jurisdiction and manage their dockets, but also could lead to the untoward result of co-equal branches of government seeking intrusive discovery from one another. Fourth, the government's suit would create myriad

¹ Amici are retired Judges Robert J. Cindrich, Andre M. Davis, Jeremy D. Fogel, Marvin J. Garbis, Thomas B. Griffith, Paul W. Grimm, Benson Everett Legg, J. Michael Luttig, William N. Nickerson, Paul J. Watford, and Alexander Williams, Jr.

practical problems. In amici's judgment, suing all of a district's federal judges to challenge a standing rule risks draining scarce judicial resources and places judges in the difficult position of finding conflict-free counsel willing to represent them against the Executive.

Defendants consent to this motion, and Plaintiffs do not oppose this motion. No party's counsel authored the amicus brief in whole or in part, and no party or party's counsel contributed money to fund the preparation or submission of the brief.

Dated: July 28, 2025

Respectfully submitted,

s/ Peter J. Kahn (00579)

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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(d) and Local Civil Rule 102(c), I hereby certify that on this 28th day of July 2025, the foregoing was filed with the Court electronically by using the CM/ECF system, and service was effected electronically to all counsel of record.

Dated: July 28, 2025

/s/ Peter J. Kahn
Peter J. Kahn